IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.893 OF 2007

1.Shri.Lalya @ Lalchand Balusha
Pawar, &
2.Shri.Netaji Bhairu Kale. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.R.V.Bansode, Adv. for the Applicants.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 10th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.169 of 2006 of Indapur Police Station. The said case is under Sections 395, 376(2)(g) of IPC.

3. It is the prosecution case that the applicants along with others entered into the house of the complainant and thereafter robbed him as well as committed rape on the wife and sister of the complainant.

4. In the present case, the investigation is over and the charge-sheet has been filed. Admittedly, the applicants were not previously known to the complainant or any of the witnesses. Both these applicants have not been identified by any of the witnesses as being one of the persons who entered in the house of the complainant and committed the crime.

5. As far as applicant No.1 is concerned, there is no recovery at his instance. As far as applicant No.2 is concerned, there is recovery of some articles at his instance, however, the complainant has not identified these articles as belonging to him.

6. In this view of the matter, I am inclined to grant bail to the applicants.

7. The applicants Lalya @ Lalchand Balusha Pawar and Netaji Bhairu Kale to be released on bail in the sum of Rs.30,000/- each with one or two sureties to make up the said amount. The applicants shall report to Indapur Police Station

twice in a week i.e. on Monday and Thursday, till conclusion of the trial.

8. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)